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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

South Africa* and China: draft resolution

The right to development

The General Assembly,

Guided by the principles and purposes of the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling its previous resolutions and those of the Commission on Human Rights relating to the right to development, including its resolution 53/155 of 9 December 1998 and Commission on Human Rights resolution 1999/79 of 28 April 1999,¹

Also recalling the Declaration on the Right to Development² and reaffirming the importance of its full implementation,

Reaffirming that the right to development, as established in the Declaration on the Right to Development, is universal and inalienable and re-emphasizing that its promotion, protection and realization are an integral part of the promotion and protection of all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant in and beneficiary of development,

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

¹ See *Official Records of the Economic and Social Council, 1999, Supplement No. 3 (E/1999/23)*, chap. II, sect. A.

² Resolution 41/128, annex.



Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development at the national and international levels,

Emphasizing the fact that the realization of the right to development requires effective and efficient development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Noting that sanctions often have a serious negative impact on the development capacity and activity of target countries, as well as third States, undermining their full realization of the right to development,

Recognizing that countries interact with the global economy from vastly different levels of development, and realizing that globalization affects all countries differently and makes them more susceptible to external developments, positive and negative, including in the field of human rights, in particular in the realization of the right to development,

Stressing the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Emphasizing that the Office of the United Nations High Commissioner for Human Rights has an important role to play in the promotion, protection and realization of the right to development, including through enhanced cooperation with the relevant bodies of the United Nations system for this purpose,

Affirming that developed countries have a major responsibility in the context of growing interdependence to create and sustain a global economic environment that is favourable to accelerated and sustainable development,

Emphasizing that measures should be taken to ensure that human rights are not exploited as a means of conditionality for loans, aid or trade, which then unduly results in the imposition of particular policies on recipient countries, thereby affecting negatively the full enjoyment of the right to development by the peoples of such countries,

Recognizing the importance of undertaking appropriate economic policies and creating a favourable and conducive environment for the enhancement of the realization of the right to development, at the national and international levels,

Emphasizing the importance of strengthening good governance through the building of more effective and accountable institutions for promoting sustained growth and enabling all people to benefit equally from development,

Expressing its concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies and activities of international organizations,

Having considered the report by the Secretary-General on the right to development,³ prepared pursuant to General Assembly resolution 53/155,

1. *Takes note* of the report of the Secretary-General;³
2. *Reaffirms* the importance of the right to development for every human person and all people in all countries, in particular the developing countries, as an integral part of their fundamental human rights, as well as the potential contribution that its realization could make to the full enjoyment of all human rights and fundamental freedoms;

³ A/54/319.

3. *Also reaffirms* that democracy, development and respect for all human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) The existence of widespread poverty inhibits the full and effective enjoyment of all human rights and renders democracy and popular participation fragile;

(b) For peace and stability to endure, national and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(c) The full realization of the right to development must be addressed within a global context through a constructive, dialogue-based approach, with objectivity, respect for national sovereignty and territorial integrity, impartiality, non-selectivity and transparency as the guiding principles, taking into account the political, historical, social, religious and cultural characteristics of each country;

(d) Effective popular participation is an essential component of successful and sustainable development;

(e) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened through its democratization;

4. *Expresses deep concern* that the gap between the developed and developing countries remains unacceptably wide and that developing countries continue to face difficulties in participating in the globalization process, and may risk being marginalized and effectively excluded from its benefits;

5. *Notes with concern* that the realization of the right to development of many developing countries has been negatively affected as a result of severe economic and financial crises in many regions of the world and recognizes that the international trade and financial conditions that caused the crisis continue to persist;

6. *Calls upon* Member States to take, individually and collectively, all relevant measures and policies to prevent the marginalization of the weak or vulnerable economies of developing countries and of countries with economies in transition, and to enable them to participate fully in globalization and liberalization with a view to their full integration into the world economy;

7. *Also calls upon* States to refrain from taking any unilateral measures that are not in accordance with international law and the Charter of the United Nations and that create obstacles to trade relations among States and impede the full realization of all human rights, including the right to development;

8. *Urges* States to eliminate all obstacles to development at all levels, *inter alia*, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and implementing comprehensive development programmes at the national level, integrating these rights into development activities and promoting effective international cooperation;

9. *Reaffirms* that international cooperation is a necessity deriving from the recognized mutual interest of all countries and, therefore, that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

10. *Calls upon* the international community to address the deepening technological, financial and productive gaps between the developed and some developing countries, and

among some developing countries themselves, as well as the widening inequalities between the rich and the poor;

11. *Affirms* the need to apply a gender perspective in the implementation of the right to development, *inter alia*, by ensuring that women play an active role in the development process, and emphasizes that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development;

12. *Reaffirms* that, in the full realization of the right to development, *inter alia*:

(a) The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative for both national Governments and the international community;

(b) The right to shelter is a basic human right and, in this regard, emphasizes the urgent need for national Governments and the international community to develop urgently, where necessary, and to implement national and international strategies to provide this right;

(c) Health is essential for sustainable development, and calls upon all Governments to take reasonable legislative and other measures within their available resources to achieve the progressive realization of the right to health-care services and urges the international community to support the efforts of Governments in this regard;

(d) Education is also an essential factor for the political, social, cultural and economic development of all people, and recognizes that science and technology are important for ensuring growing levels of knowledge and must be put at the service of education;

13. *Recommends* proper consideration of the humanitarian effects of sanctions, in particular on women and children, which undermine and affect the right to development, with a view to minimizing those effects;

14. *Stresses* the need for the Secretary-General to continue to give high priority to the right to development and *urges* all States to promote further the right to development as a vital element in a balanced human rights programme;

15. *Welcomes* the high priority assigned by the United Nations High Commissioner for Human Rights to activities relating to the right to development, and *urges* the Office of the High Commissioner to continue implementing Commission on Human Rights resolution 1998/72 of 22 April 1998;⁴

16. *Invites* the High Commissioner for Human Rights to continue to follow and review progress made in the promotion and implementation of the right to development and to present annual reports to the General Assembly and the Commission on Human Rights and to provide interim reports to the open-ended working group and independent expert on the right to development containing details on:

(a) The activities of her Office relating to the implementation of the right to development, as contained in her mandate;

(b) The implementation of resolutions of the General Assembly and the Commission on Human Rights with regard to the right to development;

(c) The coordination among the relevant entities of the United Nations system, within their respective mandates, in the implementation of relevant resolutions of the General Assembly and the Commission on Human Rights in this regard;

⁴ See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A.

17. *Notes* the efforts undertaken by the Office of the High Commissioner for Human Rights, within its mandate, with relevant entities of the United Nations system to promote the realization of the right to development and stresses the need for the Office to keep Governments fully informed of these initiatives and to involve them in these initiatives, as appropriate;

18. *Calls upon* Member States and the Office of the High Commissioner for Human Rights to ensure that the open-ended working group on the right to development convenes its first session, as a matter of urgency, no later than 17 December 1999;

19. *Urges* Member States, the Secretary-General and the United Nations system, in particular the Office of the High Commissioner for Human Rights, fully to support the follow-up mechanism established for the implementation of the right to development;

20. *Reaffirms* the need for the Office of the High Commissioner for Human Rights to take appropriate measures aimed at promoting universal public awareness on the right to development through, *inter alia*, the dissemination of the Declaration on the Right to Development;

21. *Invites* the open-ended working group, *inter alia*, to consider the question of elaborating a convention on the right to development;

22. *Calls upon* the independent expert on the right to development to submit comprehensive reports to the General Assembly at its fifty-fifth session and the Commission on Human Rights at its fifty-sixth session on, *inter alia*, the effects of poverty, structural adjustment, globalization, financial and trade liberalization and deregulation on the prospects of enjoyment of the right to development in developing countries;

23. *Also invites* the open-ended working group to take note of the deliberations on the right to development held during the fifty-fourth session of the General Assembly;

24. *Takes note* of the report of the independent expert on the right to development⁵ and encourages closer coordination with studies undertaken by other relevant experts established under the aegis of the Commission on Human Rights;

25. *Recognizes* the vital role of civil society, including non-governmental organizations and the private sector in the implementation of the right to development and, in this regard, encourages Member States and the United Nations system to foster partnerships and strengthen cooperation, at the national level, with civil society, as appropriate;

26. *Requests* the Secretary-General to continue to inform the Commission on Human Rights and the General Assembly of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified in the realization of the right to development;

27. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-sixth session a comprehensive report on the right to development, including obstacles identified in the realization of that right;

⁵ E/CN.4/1999/WG.18/2.

28. *Decides* to consider this question at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches to improving the effective enjoyment of human rights and fundamental freedoms".
